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PATENT  
Docket No. 524182000200

#11  
2-26-02  
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Assistant Commissioner for Patents, Washington, D.C. 20231, on January 2, 2002.

  
Ruth Saskowski

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Lee A. BULLA, et al.

Serial No.: 09/696,801

Filing Date: 25 October 2000

For: GENE MINING SYSTEM AND  
METHOD

Examiner: Clow, L.

Group Art Unit: 1631

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AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to an Office Action herein mailed 2 November 2001, time for response to which was set to expire 2 December 2001. A petition for an extension of time of one (1) month until 2 January 2002 is attached hereto along with the required fee. Restriction among six groups was required.

Applicants hereby elect to prosecute the invention of Group III, claims 13-33 drawn to methods target gene sequences. This election is made without traverse with respect to claims 1-12 (Groups I and II) and with traverse with respect to claims 34-82 (Groups IV-VI).

While the Office has provided reasons why Groups I and II are distinct from each other and distinct from Groups III-VI, no rationale whatsoever has been provided in support of the proposition that Groups IV-VI are distinct from Group III. In reality they are not distinct. A review of independent claims 13,34, 60 and 81 ( the independent claims which form the basis for Groups III, IV, V and VI) reveals that they all claim the same invention -a method for targeting gene sequences and systems, computer programs, and computer readable media for carrying the very same method. Accordingly, the claims of Groups III-VI simply represent different aspects of the same invention and should be examined together.

Examination of the inventions of Groups III-VI, claims 13-82 is therefore requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 524182000200.

Respectfully submitted,

Dated: January 2, 2002

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